REMARKS

The Office Action dated April 5, 2005 has been received and carefully noted. The above amendments to the claims and the following remarks are submitted as a full and complete response to the Office Action.

Claim 34 is amended to particularly point out and distinctly claim the subject matter of the invention. No new matter has been added. Claims 2-17, 19-29 and 31-35 are respectfully submitted for consideration.

The Office Action objected to claims 2-4, 6-8, 10-13 and 19-20 because they depend from subsequent claims.

It is respectfully submitted that this is proper practice that during the course of prosecution and amendments, claims may depend from subsequent claims, and are subsequently renumbered after the application is allowed. See MPEP 608.01(n). Thus, since independent claim 14 was amended to incorporate claim 1, and the claims that previously depended from claim 1 were amended to depend from claim 14 in the previous Response dated November 30, 2004, these claims can properly depend from a subsequent claim at this time, and will be renumbered after the case is allowed.

The Office Action objected to claims 19 and 20 on the grounds that the status identifier should have been "Currently Amended". It is respectfully submitted that since these amended claims were amended in the previous Response dated November 30, 2004, the correct status of these claims is "Previously Presented". Proper status identifiers are also included in the current set of claims filed with this response. Accordingly, withdrawal of the objection to these claims is respectfully requested.

The Office Action rejected claims 2-3, 7-19, 21-28 and 32-33 under 35 U.S.C. §103(a) as anticipated by U.S. Patent No. 6,577,856 to Dikmen (Dikmen) in view of US Patent 4,797,880 to Bussey Jr. (Bussey).

The Office Action took the position that Dikmen disclosed all of the features recited in claim 14 except the feature of "wherein said first network element generates fake packets to be transmitted with said intercepted data packets and the fake packets are transmitted from said first network element to said interception gateway element." The Office Action alleges that Bussey makes up for this deficiency. This rejection is respectfully traversed.

Claim 14, upon which claims 2-13 and 15-17 depend, recites an interception method for performing a lawful interception in a packet network. The method comprises a) providing a first network element having an interception function for intercepting data packets, b) controlling the interception function by an interception control means implemented in a second network element, and c) transmitting an intercepted data packet from the first network element via the packet network to an interception gateway element providing an interface to at least one intercepting authority, wherein the first network element generates fake packets to be transmitted with said intercepted data packets and the fake packets are transmitted from the first network element to the interception gateway element.

The Office Action admits that Dikmen fails to disclose the feature in which the first network element generates fake packets to be transmitted with said intercepted data packets and the fake packets are transmitted from said first network element to said

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intercepted data packets and the fake packets are transmitted from said first network element to sad interception gateway. The Office Action alleges that Bussey makes up for this deficiency.

Bussey discloses a non-blocking, self routing packet switch. Fake place holding packets are used to insure that during each packet switch cycle a packet is routed from each input port to each output port. Bussey, at column 5 lines 50- 64 discloses that the input ports transmit fake place holder packets, <u>no further than</u> the corresponding output ports (see column 5 lines 57-59).

It is respectfully submitted that the cited combination fails to disclose or suggest all of the features of claim 14. Specifically, Bussey fails to make up for the admitted deficiencies of Dikmen. As discussed above, Bussey merely discloses that the fake place holder packets are transmitted no further than the corresponding output ports. Thus, the fake place holder packets and the packets are transmitted only internally in order to have a properly operating sorting network within the switch. Thus, the fake packets are not <u>transmitted to an interception gateway element</u>, as recited in claim 14.

Further, even if Bussey disclosed that the fake packets would go out of an output port, the fake packets would leave the output port isolated, i.e., as fake packets which do not contain any user data. Bussey discloses that user data is output at separate ports in which no fake packets are transmitted. See Bussey at column 3 lines 9-44 and 51-63.

Regarding claim 21, the Office Action took the position that Dikmen discloses all of the features of claim 21, except that Dikmen fails to disclose the feature of "said first network element further comprises a means for generating fake packets to be transmitted

with said intercepted data packets." The Office Action alleged that Bussey makes up for this deficiency.

Claim 21, upon which claims 19-20, 22-29 and 32 depend, recites an interception system for performing a lawful interception in a packet network. The interception system includes: a) a first network element having an interception function for intercepting data packets and comprising a transmitting means for transmitting an intercepted data packet to the packet network, b) an interception control means implemented in a second network element and controlling the interception function, and c) an interception gateway element having a receiving means for receiving said intercepted data packet and an interface means for providing an interface to at least one intercepting authority. In the system, the first network element further includes a means for generating fake packets to be transmitted with said intercepted data packets.

It is respectfully submitted that the cited references fail to disclose or suggest all of the features of claim 21. Specifically, Bussey fails to make up for the admitted deficiencies of Dikmen. As discussed above, Bussey merely discloses that the fake place holder packets are transmitted no further than the corresponding output ports. Thus, the fake place holder packets and the packets are transmitted only internally in order to have a properly operating sorting network within the switch. Thus, the fake packets are not transmitted to an interception gateway element, as recited in claim 21.

Further, even if Bussey disclosed that the fake packets would go out of an output port, the fake packets would leave the output port isolated, i.e., as fake packets which do

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not contain any user data. Bussey discloses that user data is output at separate ports in which no fake packets are transmitted. See Bussey at column 3 lines 9-44 and 51-63. Thus, the cited references fail to disclose all of the features of claim 21 and claims dependent thereupon.

Regarding claim 33, the Office Action took the position that Dikmen disclosed all of the features of claim 33, except for the feature of the network element further comprises a means for generating fake packets to be transmitted with said intercepted data packets and the fake packets are transmitted from said network element to said interception gateway element.

It is respectfully submitted that the cited combination fails to disclose or suggest all of the features of claim 33. Specifically, Bussey fails to make up for the admitted deficiencies of Dikmen.

Claim 33 recites a network element for a packet network. The network element includes: a) an interception means for intercepting a data packet received from the packet network, and b) a transmitting means for transmitting the intercepted data packet via the packet network to an interception gateway element. In the network element the interception means is controlled by an interception control means arranged in another network element, and the network element further includes a means for generating fake packets to be transmitted with the intercepted data packets and the fake packets are transmitted from the network element to the interception gateway element.

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As discussed above, Bussey merely discloses that the fake place holder packets are transmitted no further than the corresponding output ports. Thus, the fake place holder packets and the packets are transmitted only internally in order to have a properly operating sorting network within the switch. Thus, the fake packets are not transmitted to an interception gateway element, as recited in claim 33.

Further, even if Bussey disclosed that the fake packets would go out of an output port, the fake packets would leave the output port isolated, i.e., as fake packets which do not contain any user data. Bussey discloses that user data is output at separate ports in which no fake packets are transmitted. See Bussey at column 3 lines 9-44 and 51-63.

Thus, it is respectfully submitted that the cited combination fails to disclose or suggest all of the features recited in claim 33.

It is respectfully submitted that since claims 2-13, and 15-17 depend from claim 14, and claims 19-20, 22-29 and 32 depend from claim 21, these clams are allowable at least for the same reasons as claims 14 and 21.

Further, it is respectfully submitted that the cited combination of Dikmen and Bussey can not properly be combined to form the basis of a rejection under 35 U.S.C. §103. Specifically, Dikmen and Bussey are non-analogous art and therefore, one skilled in the art would not combine the inventions disclosed in Dikmen and Bussey. Dikmen is directed to the interception of wireless communications. Bussey is merely directed to a packet switch and only addresses the routing of packets via a switch, but not intercepting packets. Further, Bussey merely provides for a simple and fully working switch in which

a sorting network operates properly as a full access interconnection network. See Bussey, column 5 lines 63-64. In contrast, Dikmen is directed to interception activity.

Thus, since Dikmen and Bussey are non-analogous art, they can not be properly combined to form the basis of a rejection under 35 U.S.C. §103.

It is respectfully submitted that the cited references fails to disclose or suggest all of the features recited in claims 2-3, 7-19, 21-28 and 32-33. Accordingly, withdrawal of the rejection under 35 U.S.C §103(a) is respectfully requested.

The Office Action rejected claims 4-6, 20, 29 and 31 under 35 U.S.C. 103(a) as being obvious over Dikman and Bussey as applied to claims 14 and 21, in further view of U.S. Patent Publication No. U.S. 2003/0037235 to Aziz et al (Aziz). This rejection is respectfully traversed.

Regarding claims 4-6, 20 and 29, it is respectfully submitted that Aziz fails to make up for the deficiencies of Dikmen and Bussey discussed above regarding claims 14 and 21. Since claims 4-6, 20 and 29 depend from claims 14 and 21, these claims are allowable at least for the same reasons as claims 14 and 21.

Aziz discloses a system for signatureless transmission and reception of data packets between computer networks. Aziz is relied upon in the Office Action to disclose intercepted packet data is transmitted to said interception gateway element using a secure tunnel. Aziz is further relied upon to disclose intercepted data packet is transmitted via interworking units, when said first network element and said interception gateway

element are arranged in separate network segments. The Office Action cites paragraphs 0008, 0009, 0021 and Figure 1 of Aziz.

Regarding claim 31, the Office Action took the position that Dikmen and Bussey discloses all of the features of claim 31 except the feature of a decryption means for removing an encryption of the received intercepted data packets. The Office Action alleges that Aziz makes up for this deficiency and cites paragraph 0010 of Aziz.

Claims 31 recites an interception system for performing a lawful interception in a packet network. The system includes a) a first network element having an interception function for intercepting data packets and including a transmitting means for transmitting an intercepted data packet to the packet network, b) an interception control means implemented in a second network element and controlling the interception function, and c) an interception gateway element having a receiving means for receiving the intercepted data packet and an interface means for providing an interface to at least one intercepting authority. In the system, the interception gateway element includes a memory means for storing received intercepted data packets before supplying them to the interface means and the interception gateway element comprises a decryption means for removing an encryption of the received intercepted data packets, an extraction means for extracting intercepted data packets from fake data packets, and a means for adding a time information to the received intercepted data packets before storing them in the memory means.

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The Office Action admits that Dikmen and Bussey fail to disclose the feature of a decryption means for removing an encryption of the received data packets.

It is respectfully submitted that the cited combination fails to disclose or suggest all of the features of claim 31 because Dikmen and Bussey are deficient for the same reasons discussed above regarding claims 14, 21 and 33, and Aziz fails to make up for these deficiencies. Specifically, The Office Action admits that Dikmen fails to disclose the feature in which the first network element generates fake packets to be transmitted with said intercepted data packets and the fake packets are transmitted from said first network element to said intercepted data packets and the fake packets are transmitted from said first network element to sad interception gateway. The Office Action alleges that Bussey makes up for this deficiency.

Bussey fails to make up for the admitted deficiencies of Dikmen. As discussed above, Bussey merely discloses that the fake place holder packets are transmitted no further than the corresponding output ports. Thus, the fake place holder packets and the packets are transmitted only internally in order to have a properly operating sorting network within the switch. Thus, the fake packets are not transmitted to an interception gateway element, as recited in claim 31.

Further, even if Bussey disclosed that the fake packets would go out of an output port, the fake packets would leave the output port isolated, i.e., as fake packets which do not contain any user data. Bussey discloses that user data is output at separate ports in which no fake packets are transmitted. See Bussey at column 3 lines 9-44 and 51-63. Further Aziz fail to make up for the deficiencies of Dikmen and Bussey. Aziz is relied

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upon in the Office Action to disclose a decryption means for removing an encryption of the received intercepted data packets and cites paragraph 0010 thereof.

Further, the cited combination fails to disclose or suggest the feature of a means for adding time information to the received intercepted data packets before storing them in the memory means, as recited in claim 31. The Office Action alleges that Dikmen disclose this feature at column 5 lines 55-65. However, Dikmen merely discloses adding a C-tone over the CCCs (Call Content Channels) when there is no intercept active. "The C-tone is removed when the intercept activity starts and is reestablished when the activity stops." Thus, the C-tone is an indicator of when the intercept is active or inactive. In contrast as discussed above, the time information is added to the received intercepted packets before storing them in the memory, and not removed. This is analogous to a time stamp, as opposed to an indication of when activity is started and/or stopped. It is respectfully submitted that neither Bussey nor Aziz makes up for this deficiency. Thus, the cited combination fails to disclose or suggest all of the features of claim 31.

Still further, Further, it is respectfully submitted that the cited combination of Dikmen and Bussey can not properly be combined to form the basis of a rejection under 35 U.S.C. §103. Specifically, Dikmen and Bussey are non-analogous art and therefore, one skilled in the art would not combine the inventions disclosed in Dikmen and Bussey. Dikmen is directed to the interception of wireless communications. Bussey is merely directed to a packet switch and only addresses the routing of packets via a switch, but not intercepting packets. Further, Bussey merely provides for a simple and fully working

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switch in which a sorting network operates properly as a full access interconnection network. See Bussey, column 5 lines 63-64. In contrast, the present invention and Dikmen are directed to interception activity.

Thus, since Dikmen and Aziz are non-analogous art with Bussey, they can not be properly combined to form the basis of a rejection under 35 U.S.C. §103.

It is respectfully submitted that the cited combination fails to disclose or suggest all of the features recited in claims 4-6, 20, 29 and 31. Accordingly, withdrawal of the rejection of claims 4-6, 20, 29 and 31 under 35 U.S.C. 103(a) is respectfully requested.

The Office Action rejects claims 34 and 35 under 35 U.S.C. §103(a) as being obvious over Dikman in view of Aziz. This rejection is respectfully traversed.

The Office Action took the position that Dikmen disclosed all of the features recited in claim 34 except the feature of a decryption means for removing an encryption of the received intercepted data packets. The Office Action alleges that Aziz makes up for this deficiency and cited paragraph 0010 thereof.

Claim 34 recites an interception gateway element for an interception system of a packet network. The gateway element includes a) a receiving means for receiving an intercepted data packet via the packet network from a network element having an interception function, b) an interface means for providing an interface to an intercepting authority, and c) a memory means for storing received intercepted data packets before supplying them to said interface means wherein said interception gateway element comprises a decryption means for removing an encryption of the received

intercepted data packets, an extraction means for extracting intercepted data packets from fake data packets and a means for adding a time information to said received intercepted data packets before storing them in said memory.

It is respectfully submitted that the cited combination fails to disclose or suggest all of the features recited in claims 34 and 35. Regarding claim 34, the cited combination fails to disclose or suggest at least the feature of a memory means for storing received intercepted data packets before supplying them to said interface means wherein said interception gateway element comprises a decryption means for removing an encryption of the received intercepted data packets, an extraction means for extracting intercepted data packets from fake data packets and a means for adding a time information to said received intercepted data packets before storing them in said memory.

The Office Action alleges that Dikmen discloses this feature on column 5 lines 55-65. However, Dikmen merely discloses adding a C-tone over the CCCs (Call Content Channels) when there is no intercept active. "The C-tone is removed when the intercept activity starts and is reestablished when the activity stops." Thus, the C-tone is an indicator of when the intercept is active or inactive. In contrast as discussed above, the time information is added to the received intercepted packets before storing them in the memory, and not removed. This is analogous to a time stamp, as opposed to an indication of when activity is started and/or stopped. Aziz fails to make up for this deficiency. Aziz is relied upon in the Office Action to disclose the feature of a decryption means for removing an encryption of the received intercepted data packets.

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Further, as discussed above regarding claim 31, the cited references fail to disclose or suggest the feature of an extraction means for extracting intercepted data packets from fake data packets, as recited in claim 34.

It is respectfully submitted that since claim 35 depend from claim 34, this claim is allowable at least for the same reasons as claim 34.
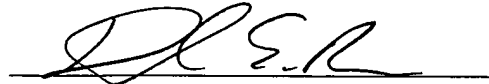
Accordingly, withdrawal of the rejection of claims 34 and 35 under 35 U.S.C. §103(a) is respectfully requested.

It is submitted that each of the claim 2-17, 19-29 and 31-35 recite subject matter which is neither disclosed nor suggested in the cited prior art. It is therefore respectfully requested that all of claims 2-17, 19-29 and 31-35 be allowed, and this application pass to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

David E. Brown
Attorney for Applicant
Registration No. 51,091

Customer No. 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Tysons Corner, Virginia 22182-2700
Telephone: 703-720-7800
Fax: 703-720-7802

DEB:mm